

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
	)	
Digital Television Distributed	)	MB Docket No. 05-312
Transmission System Technologies	)	
	)	

To: The Commission

**REPLY COMMENTS OF THE  
NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (NAB)<sup>1</sup> hereby files reply comments in the above-referenced docket concerning the authorization of and proposed rules for deployment of Distributed Transmission System technology (DTS) by digital television stations. The comments received by the Commission in response to the instant Notice of Proposed Rulemaking<sup>2</sup> enthusiastically endorse the many benefits DTS can bring to the viewing public and the digital television stations serving them. As the comments nearly unanimously urge, the Commission should move expeditiously to authorize Distributed Transmission for use by digital television stations both within their authorized service areas and, after the channel election process, within their DMA, subject to strict interference rules allowing no additional interference to other stations.

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<sup>1</sup> NAB is a non-profit trade association that advocates on behalf of more than 8,300 free, local radio and television stations and also broadcast networks before Congress, the Federal Communications Commission and the Courts.

<sup>2</sup> Clarification Order and Notice of Proposed Rulemaking, MB Docket No. 05-312 (rel. Nov.4, 2005) (Notice).

**I. Distributed Transmission Offers A Multitude of Benefits for Improving Digital Television Service to the Viewing Public.**

The many comments filed by broadcasters in this proceeding are a testament to the enthusiasm for DTS within diverse segments of the broadcasting industry.<sup>3</sup> Echoing NAB's comments,<sup>4</sup> the comments of broadcasters recite the many public interest benefits DTS promises for digital television reception by the viewing public. These include increasing signal strength throughout a stations' authorized service area.<sup>5</sup> Stronger signals at the edge of service and inside homes<sup>6</sup> will enhance the likelihood of indoor reception for the enormous number of television sets across the country relying on over-

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<sup>3</sup> Comments of the Alliance for Local Broadcasters, MB Docket No. 05-312, filed February 6, 2006 (Alliance); Comments of the Coalition for DTS, MB Docket No. 05-312, filed February 6, 2006 (Coalition); Comments of the Community Broadcasters Association, MB Docket No. 05-312, filed February 6, 2006 (CBA); Comments of the Association for Maximum Service Television, Inc., MB Docket No. 05-312, filed February 6, 2006 (MSTV); Comments of the Association of Public Television Stations, MB Docket No. 05-312, filed February 6, 2006 (APTS); Comments of Holston Valley Broadcasting Corporation, MB Docket No. 05-312, filed February 6, 2006 (Holston); Comments of KJLA, LLC, LVMD Licensee Co., LLC, and Rancho Palos Verdes Broadcasters, Inc., MB Docket No. 05-312, filed February 6, 2006 (Joint Parties); Comments of LIN Television Corporation, MB Docket No. 05-312, filed February 6, 2006 (LIN); Comments of Paxson Communications Corporation, MB Docket No. 05-312, filed February 6, 2006 (Paxson); Comments of Reading Broadcasting, Inc., MB Docket No. 05-312, filed February 6, 2006 (RBI); Comments of Siete Grande Television, Inc., MB Docket No. 05-312, filed February 6, 2006 (Siete Grande); Comments of Sunbelt Television, Inc., MB Docket No. 05-312, filed February 6, 2006 (Sunbelt); Comments of TVPlus LLC, MB Docket No. 05-312, filed February 6, 2006 (TVPlus); The Pennsylvania State University's Comments, MB Docket No. 05-312, filed February 6, 2006 (University).

<sup>4</sup> Comments of the National Association of Broadcasters, MB Docket No. 05-312, February 6, 2006 (NAB) at 3-4.

<sup>5</sup> Coalition at 3 *et seq.*; LIN at 2,3; Comments of the Merrill Weiss Group, LLC, MB Docket No. 05-312, filed February 7, 2006 (MWG) at 5; Paxson at 2; Sunbelt at 2.

<sup>6</sup> LIN at 2,3; Sunbelt at 2.

the-air (OTA) reception.<sup>7</sup> DTS can also be used by stations to reach segments of their service area that are blocked by terrain or other impediments to reception,<sup>8</sup> which will increase service to underserved audiences.<sup>9</sup> As the Coalition for DTS and several other broadcasters note, DTS can also help advance the DTV transition by providing a cost-effective alternative to building out a station's authorized DTV service area.<sup>10</sup> DTS permits stations to utilize reduced power levels, lower transmitting heights, smaller antennas and transmission lines and, potentially, enables the use of existing broadcast towers and even smaller towers already in place to support other services such as cellular or PCS.<sup>11</sup> The Coalition also points out that constructing a DTS network rather than building out a new, high-powered system at the main site can facilitate a smoother transition for stations moving their DTV operations to new channels where existing transmission equipment cannot be re-used.<sup>12</sup> Importantly, with reduced power levels and lower transmitting heights, DTS can provide strong, more reliable coverage for more areas, while potentially reducing overall interference.<sup>13</sup> And, as is discussed below, the comments point out that DTS also can enable stations to expand their OTA service throughout their markets, thus providing an effective OTA alternative to cable service for many viewers.

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<sup>7</sup> See Coalition at 3 and fn. 5 referring to the Media Bureau estimate of approximately 73 million OTA televisions.

<sup>8</sup> APTS at 3; LIN at 2,3; MSTV at 1; Paxson at 2; Comments of Thomas C. Smith, MB Docket No. 05-312, filed February 6, 2006 at 1,4; Sunbelt at 2.

<sup>9</sup> Coalition at 3 *et seq.*; MSTV at 1; Sunbelt at 2.

<sup>10</sup> Coalition at 4; Joint Parties at 2; Siete Grande at 2; TVPlus at 4.

<sup>11</sup> Coalition at 4-5; Joint Parties at 2; LIN at 2,3; Paxson at 5.

<sup>12</sup> Coalition at 5.

<sup>13</sup> Coalition at 2, 4; MWG at 2; Sunbelt at 2.

NAB urges the Commission to respond to these commenters by swiftly authorizing use of DTS so that digital broadcasters can utilize this powerful new technology to better serve viewers in their service areas as soon as possible. Swift authorization will also help speed the DTV transition by potentially reducing the costs of re-building facilities on new, re-packed channels at the end of the transition.<sup>14</sup> After the channel election process, stations should be permitted to use DTS to provide broader OTA service within their Designated Market Areas (DMAs).

**II. The Comments Support Use of DTS Within Stations' DMAs After Completion of the Channel Election Process Provided That Interference and Minimum Service Requirements Are Met.**

A broad cross-section of broadcasters and other commenters urge the FCC to allow broadcasters to extend digital service to consumers outside the service area reached by a single television transmitter but within a station's DMA.<sup>15</sup> As the Coalition for DTS and Paxson Communications note,<sup>16</sup> this will enable many underserved segments of the public to receive more and more reliable OTA broadcast service. The Coalition points out that this potentially includes OTA service from multi-channel broadcasters such as

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<sup>14</sup> While virtually all the commenters focus on the enormous public interest benefits DTS can confer in terms of stronger, more reliable and expanded digital service for consumers, particularly those at the edges of current service, New America Foundation, *et al.* mount what seems to be more of a general protest than a serious objection to the DTS proposal. Comments of New America Foundation *et al.*, MB Docket No. 05-312, February 6, 2006 (NAF). NAF's comments represent an attempt to raise many non-germane other issues in this proceeding. This proceeding is narrowly focused on enabling stronger signals within existing television markets. Clearly, this proceeding is not the place to pursue issues such as increased public interest obligations for digital broadcasters. Neither is it the appropriate place to suggest that broadcasters must somehow degrade their existing authorization to "earn" the right to improve service to the public via DTS. NAF's attempt to shoehorn its chosen issues into an inappropriate proceeding should be rejected out of hand.

<sup>15</sup> Alliance at 2; CDE at 2; Coalition at 8-9; Joint Parties at 1; MSTV at 10; Paxson at 5-8; RBI at 5; Sunbelt at 1,3; TVPlus at 6-7.

<sup>16</sup> Coalition at 7; Paxson at 7-8.

USDTV who in turn can provide greater competition for cable and DBS, particularly in rural and /or geographically-distant smaller cities whose viewers are more likely to be captive to only one MVPD provider.<sup>17</sup> And, with extended service in under-served areas, individual broadcasters can provide consumers with OTA alternatives (and, with multicasting, multi-channel alternatives) to costly multi-channel video program distributors (MVPDs).<sup>18</sup>

Sunbelt Television points out that “the DMA is the real financial market of a television station.”<sup>19</sup> Similarly, Paxson Communications calls the DMA “broadcasters’ natural market” in today’s competitive economy.<sup>20</sup> It also notes that DMAs provide the basis for determining a station’s ratings and, consequently, much of its advertising income, as well as defining the area in which cable and satellite operators generally have the right to rebroadcast a station’s signal. *Id.* On the other hand, NAB and several other commenters strongly oppose extension of service across DMA boundaries.<sup>21</sup>

Broadcasters are thus virtually unanimous in supporting DMA service via DTS, with important requirements of continued service to local communities and no increase in interference to existing stations.<sup>22</sup> In terms of interference, broadcast commenters made clear that no additional interference to existing stations beyond that allowed under the rules for single transmitters should be permitted.<sup>23</sup> NAB agrees.

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<sup>17</sup> Coalition at 7,8.

<sup>18</sup> Coalition at 7; TVPlus at 7; Paxson at 7.

<sup>19</sup> Sunbelt at 3.

<sup>20</sup> Paxson at 7.

<sup>21</sup> NAB at 4; MSTV at 10; Coalition at 9.

<sup>22</sup> *See, e.g.*, Coalition at 6,8-9; MSTV at 4; Paxson at 4, 12.

<sup>23</sup> Coalition at 8; MSTV at 8; Paxson at 4,12; Siete Grande at 14. *Accord* CDE at 2.

NAB also agrees with MSTV that the FCC must modify its method of calculating interference to properly assess interference from DTS transmitters. In its comments, MSTV points out that the method used by the Commission to calculate DTV-DTV interference, documented in The Office of Engineering and Technology Bulletin No. 69 (OET-69), must be extended to take into account the way interference is generated by distributed transmission systems.<sup>24</sup> When OET-69 was developed, DTS was not anticipated and therefore the kinds of physical patterns of co-channel towers and transmitters and their associated frequency relationships with other operating stations were not considered. Without changes to OET-69, interference generated from DTS may not be predicted properly. As such, the benefits of better service afforded by the new tool of DTS could be nullified by the introduction of unanticipated interference and consequent loss of service in some areas. Thus, NAB agrees with MSTV that the FCC should modify OET-69 in the two ways identified by MSTV: (1) incorporation of variable protection ratios in computing the interference from DTS transmitters and (2) aggregation of the interference contributions from individual co-channel DTS transmitters in making interference calculations. NAB supports MSTV's general proposals in this regard, *id.* at 8-9, as a reasonable starting point and will work with MSTV and the FCC as these modifications and extensions to OET-69 are refined.

With regard to service to local communities, broadcasters broadly support maintenance of the Commission's rule requiring the requisite signal strength to the City of License.<sup>25</sup> The Coalition for DTS proposes that a station using DTS should satisfy an additional limit as well: service to the larger of the stations' DTV allotment service area

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<sup>24</sup> MSTV at 5-9; *cf.* CDE at 2-4.

<sup>25</sup> Coalition at 8; MSTV at 2-4; Sunbelt at 3; University at 4.

or the station's licensed DTV service area.<sup>26</sup> This is to further protect against “cherry-picking” and abandoning viewers in less populated or less affluent areas and commencing service in wealthier population centers. *Id.* NAB agrees that such a heightened service requirement should eliminate any concerns that current viewers might be abandoned.

Thus, broadcasters are in near unanimity that the FCC should not adopt the Table of Distances approach.<sup>27</sup> We believe that authorizing service to the DMA will benefit the public far more than the more confined approach proposed in the Notice. RBI and TV Plus point out that the Commission's approach imposes unnecessary and outdated limitations on DTV service that are based on limits in the analog television service which are inapplicable to DTS.<sup>28</sup> The Coalition for DTS, Paxson Communications, RBI and TV Plus emphasize that the DMA approach is consistent with the traditional focus on localism, because service requirements for the community of license will not be altered and, today, these stations already serve the DMA via cable carriage.<sup>29</sup>

These broadcasters also counter the NPRM's conclusion that the DMA proposal would reduce opportunities for new stations: DTS expansion will occur on a station's already-occupied channel and thus, in almost all circumstances, new full-power television station entrants would not be permitted on these channels because of interference.<sup>30</sup> NAB concurs with these commenters.

To assuage lingering concerns in this regard, some broadcaster commenters suggest that, while DTS transmitters must have “primary” status within the authorized

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<sup>26</sup> Coalition at 8.

<sup>27</sup> Alliance at 1-3; Coalition at 6-10; MSTV at 10-11; Paxson at 6; RBI at 4; Sunbelt at 3; TVPlus at 6. *Accord* CDE at 1; MWG at 14.

<sup>28</sup> RBI at 4; TVPlus at 6.

<sup>29</sup> Coalition at 10; Paxson at 7-9; RBI at 5,6; TVPlus at 7-8. *Cf.* Alliance at 3.

<sup>30</sup> Coalition at 11; Paxson at 11; RBI at 6; TVPlus at 8. *Cf.* Alliance at 3.

service area to encourage use of DTS, service outside the authorized service area but within the DMA could be granted on a “secondary” basis.<sup>31</sup> Thus, new station entrants, if and where possible, would not be precluded by the presence of DTS service.

### **III. The Comments Support the Commission’s DTS Licensing Proposals.**

The commenters virtually all agree with the Commission’s proposals as to DTS licensing. Thus, broadcasters and others agree that DTS transmitters should be licensed as “primary” within the service area,<sup>32</sup> licensed as part of a linked group that will be covered by a single license<sup>33</sup> and licensed under Part 73 rules as to power, antenna height and emission mask.<sup>34</sup> NAB concurs. And, as noted above, several broadcasters suggest that DTS transmitters outside of the authorized service area or outside the areas in the Table of Distances can be authorized on a “secondary” basis, which service must give way to full power television stations.<sup>35</sup>

### **IV. Use of DTS for LPTV and Translators Should Be Allowed, As Should DTV Boosters.**

Broadcaster commenters MSTV, the Coalition for DTS, Holston Valley Broadcasting and Joint Parties support use of DTS by LPTV and translator stations, which may improve coverage within those stations’ viewing areas.<sup>36</sup> NAB agrees, and

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<sup>31</sup> Alliance at 2-3; Paxson at 12 (noting that secondary status should be only vis-à-vis full power stations). *Cf.* TVPlus at 8.

<sup>32</sup> Coalition at 2; Joint Parties at 2; RBI at 3,4; Comments of Thomas C. Smith, MB Docket No. 05-312, filed February 6, 2006 at 2; Sunbelt at 3; TVPlus at 8; University at 4.

<sup>33</sup> MSTV at 2-3; Paxson at 13-14.

<sup>34</sup> Joint Parties at 2; MSTV at 2-3 (noting that adding DTS transmitters to the authorization should be done using a minor change application or modified construction permit); MWG at 9; Paxson at 13-14; RBI at 4; TVPlus at 5.

<sup>35</sup> Alliance for Local Broadcasters at 2-3; Paxson at 29.

<sup>36</sup> MSTV at 12; Coalition at 12; Comments of Holston Valley Broadcasting Corporation, MB Docket No. 05-312, February 6, 2006 (Holston Valley) at 1-2. *See also* Comments



agrees as well with MSTV that the same rules that apply to low power stations (including classification as a secondary service) should also apply to such stations' use of DTS, as should the interference calculation adopted for full service stations.<sup>37</sup> But, as MSTV urges, the Commission should not permit separate Class A stations to operate as a single frequency network, which would convert these separate stations into a "super" Class A station.<sup>38</sup> NAB also agrees with the comments of the Coalition for DTS that once the Commission completes this proceeding and authorizes the use of DTS by full-power stations, it can commence a similar proceeding to consider the policy issues associated with the use of DTS by Class A, LPTV and translator stations.<sup>39</sup>

## **Conclusion**

NAB joins with the vast majority of commenters in this proceeding in urging the Commission to authorize the use of distributed transmission system technology by digital television stations both within their authorized service areas and, after completion of the channel election process, within their DMAs. Doing so will empower digital television

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of the Community Broadcasters Association, MB Docket No. 05-312, February 6, 2006 at 1-2.

<sup>37</sup> MSTV at 12-13.

<sup>38</sup> MSTV at 14.

<sup>39</sup> Coalition at 12.

broadcasters to provide stronger service to their existing audiences and to better compete with cable throughout television markets, all to the benefit of the viewing public.

Respectfully submitted,

**NATIONAL ASSOCIATION OF  
BROADCASTERS**

A handwritten signature in black ink, reading "Valerie Schulte", is positioned above a horizontal line.

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